

CITY COUNCIL REPORT



MEETING DATE: January 10, 2006

ITEM NO. 13 GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT Cascabel 1 & 2 - 16-AB-2005

REQUEST

Request:

1. To abandon 10 feet of the 55-foot wide half street right-of-way for N. 64th Street.
2. To adopt Resolution No. 6781 vacating and abandoning a public right-of-way.

Key Items for Consideration:

- The abandonment is consistent with the width of road contained on other properties north of the site.
- The remaining right-of-way will be sufficient to accommodate N. 64th Street as a Major Collector street in this area.
- No public objection has been received on this case.
- Planning Commission recommended approval, 5-0.

Related Policies, References:

- Case 3-PP-1999 approved the 20-lot Ironwood Preserve subdivision on the property north of the site in 1999.
- Case 28-LD-2005 pending approval of the land division of the adjoining two-acre property into two one-acre lots.

OWNER

Barbara Kerr

APPLICANT CONTACT

David White
602-332-0261

LOCATION

26818 N 64th Street, near the southwest corner of Red Bird Road and N. 64th Street

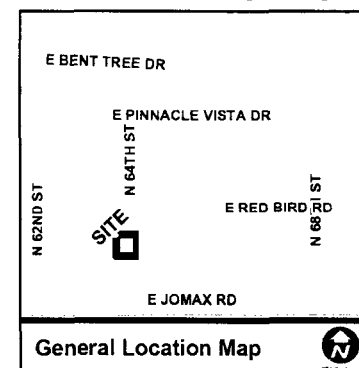
BACKGROUND

Background

The subject 10-foot wide abandonment area and existing 55-foot wide half street right-of-way for N. 64th Street were dedicated by quit claim deed by Docket 3245, Page 345, on October 14, 1958. The portion of right-of-way proposed for abandonment is not necessary to accommodate the future cross-section for N. 64th Street. The applicant requests approval to abandon the excess right-of-way and incorporate it into her abutting residential lot.

Zoning.

The site is zoned R1-43 ESL FO (Single-family Residential District within the Environmentally Sensitive Lands Ordinance and Foothills Overlay).



The R1-43 zoning district allows for single family residences and associated uses on parcels of 43,000 square feet or larger. The Environmentally Sensitive Lands Ordinance provides guidelines for development within native desert areas and specifies that portions of lands be maintained as Natural Area Open Space. The Foothills Overlay provides design standards for buildings and structures in order to promote the rural and equestrian character of this area.

Context.

This subdivision is located at the southwest corner of 64th Street and East Lomas Verdes Drive, which is south of Redbird Road.

Adjacent Uses and Zoning:

- **North** 20-lot Ironwood Preserve residential subdivision with R1-43 ESL FO District zoning
- **South** Unplatted residential properties with R1-43 ESL FO District zoning
- **East** 64th Street and rural unplatted residential properties with R1-43 ESL FO District zoning
- **West** One acre residential lots situated along East Lomas Verdes Drive and the 63rd Street cul-de-sac with R1-43 ESL FO District zoning

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The purpose of the request is for approval to abandon the western ten feet of the N. 64th Street right-of-way and add the abandoned area to the 2 +/- acre lot to the west. The adjoining residential lot is the subject of a pending land division (28-LD-2005) that will dedicate the northern 30 feet of the lot as public road right-of-way to complete the extension of East Lomas Verdes Drive eastward to N. 64th Street. The abandonment of this 10-foot portion of N. 64th Street is necessary to provide sufficient area to permit division of the site into two lots. No properties will be denied access as a result of the abandonment.

- Abandonment of the 10 by 280 foot (2,800 square feet or 0.11 acre) portion of N. 64th Street adjacent to the subject site.
- Dedication of a ten-foot wide Public Utility Easement (PUE) over the abandonment area to accommodate existing underground utilities.

Key Issues.

- Public utility companies have been notified and support the request.
- The abandoned area will be retained as a public utility easement.

IMPACT ANALYSIS**City Impact:**

The City Transportation Engineering Department supports the abandonment to reduce the width of the half-street right-of-way to 45 feet. This width matches the width of the half street for the residential subdivision north of the site, (Ironwood Estates) as well as areas along N. 64th Street located north of Pinnacle Vista Drive. The remaining right-of-way width is adequate to permit construction of N. 64th Street to the standard specified by the City Streets Master Plan.

Neighborhood Impact:

Full street access will be maintained and existing access to all properties will continue. The abandonment in conjunction with the pending lot split for the site will result in dedication of the remaining portion of East Lomas Verdes Drive, situated north and west of the subject property.

Property Owner Impact:

The abandonment of the portion of N. 64th Street will permit the lot owner to incorporate the area into her lot, and divide the approximate two-acre lot into two one-acre lots. With the lot split, the dedication of necessary right-of-way along East Lomas Verdes Drive, public utility easement (PUE) and non-vehicular access easement (NVE) along N. 64th Street will be provided. Access to the proposed lots will be from the adjoining streets.

Community Impact.

The reduced width of the N. 64th Street right-of-way will be consistent with other properties north of the site and within the local area, including the Ironwood Preserve residential subdivision located north of the site. Abandonment will still provide for construction of N. 64th Street to full standard in the future.

Departmental Responses.

City Departments concur with this abandonment request. See Department Issues Checklist. (Attachment #1)

Open Space, Scenic Corridors and Public Trails:

NAOS will be provided on each lot at the time of land division and development of the adjoining property to the west. The trail easement is located on the east side of the street and is not affected by this abandonment. (See Attachment #5-Area Trails Map)

Policy Implications.

N. 64th Street contains an existing half-street right-of-way width across the subject site of 55 feet; while only 45 feet is necessary to provide for the required road standard. The street is classified a Major Collector by the City Streets Master Plan which requires a half-street dedication of 45 feet. The current road contains two lanes but will be upgraded in the future to four lanes with center median or left turn lane, similar to the standard that currently exists along N. 64th Street, north of Pinnacle Vista Drive. Current traffic generation for a single-family home is about ten vehicle trips per day, with the land division of the site to two lots; about 20 vehicle trips per day are anticipated. With the land division, a one-foot wide VNE will be dedicated along the frontage of the lots, except for the driveway(s) location.

Community Involvement.

The applicant has sent letters of notification for the proposed abandonment to landowners within 750 feet of the site on May 17, 2005. One letter from the property owner to the west was received, concerning future paved access to his

property along Lomas Verdes Drive. No other comments or objections have been received on this case.

Staff Recommendation.

Staff recommends approval.

**OTHER BOARDS AND
COMMISSIONS****Planning Commission.**

The Planning Commission heard this case on October 26, 2005. The Commission inquired about the pending land division for the adjoining property and the affect of the subject abandonment. Staff indicated that a stipulation of the two-lot land division required dedication of Lomas Verdes Drive, a local residential street which is necessary to provide access to other existing residential lots to the west of that site. The abandonment of the ten-foot wide portion of N. 64th Street will permit sufficient area for the dedication of Lomas Verdes Drive while maintaining the property owner's capacity for lot division. A similar ten-foot wide abandonment along N. 64th Street has already occurred on the properties immediately north.

The Commission inquired about the timing of the lot split. Staff responded that one of the stipulations of the Land Division is that the abandonment be approved before the Land Division is recorded and new lot titles are issued. The Commission inquired about the horse facilities located along the west side of the site. The applicant indicated that these shelters existed when the current owner purchased the property and these will be demolished when the land division occurs.

RECOMMENDATION

Planning Commission recommended approval of the abandonment, 5-0.

**RESPONSIBLE
DEPT(S)**

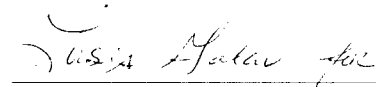
Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

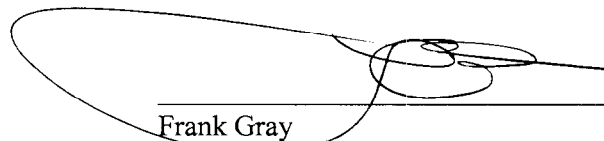
Al Ward, AICP
Senior Planner
480-312-7067
E-mail: award@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

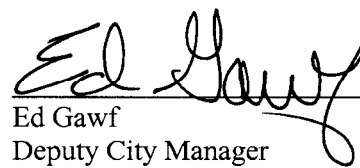
APPROVED BY

 12-21-05

Randy Grant Date
Chief Planning Officer

 12.21.05

Frank Gray Date
General Manager Planning and Development Services

 12/23/05

Ed Gawf Date
Deputy City Manager

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Aerial Close-Up
4. Easements & Right-of-Ways
5. Area Trails Map
6. City Notification Map
7. October 26, 2005 Planning Commission Minutes
8. Resolution No. 6781

CASE 16-AB-2005

Department Issues Checklist

Transportation

☒ **Support**

The abandonment area is in excess of the 45-foot half street required for the future development of N. 64th Street as a major collector road.

Trails

☒ **Support**

No trails are show within the area by the Trails Master Plan.

Adjacent Property Owner Notification

☒ **Support**

14 landowners located within 750 feet of the site have been notified of the request. No objections or adverse comments have been received. Staff received one phone call requesting additional information.

Public Utilities

☒ **Support**

The following public utility companies have been contacted and have expressed no objection to the request, Cox, Quest, APS and Southwest Gas. APS indicated that it currently has underground electrical facilities along the west side of N. 64th Street within the 10 foot wide abandonment area and has no objection, subject to dedication of a 10 foot wide PUE over the subject area.

Emergency/Municipal Services

☒ **Support**

They are not impacted by the 10-foot wide abandonment.

Water/Sewer Services

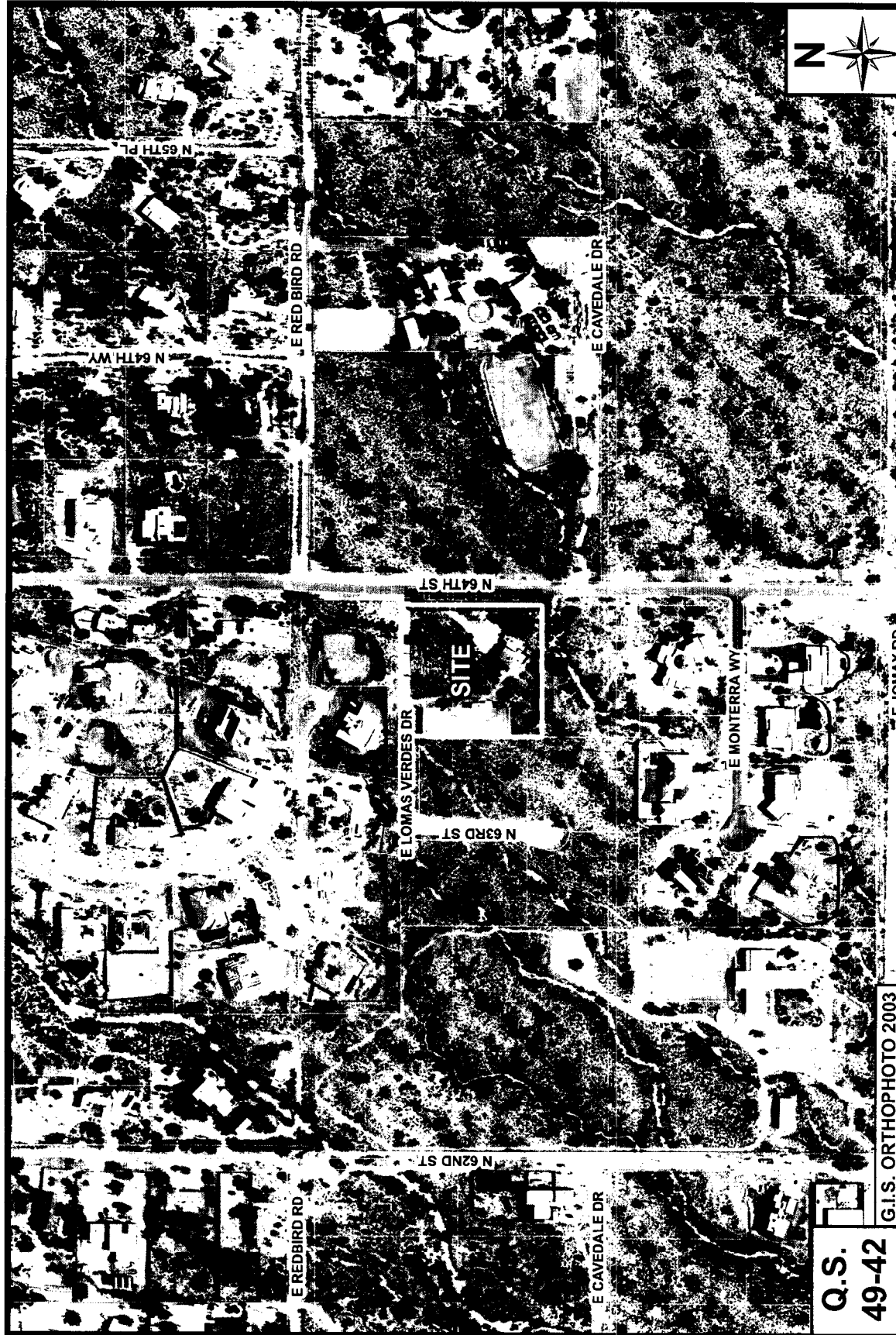
☒ **Support**

Indicates an easement will be required if the site's water meter is located within the abandonment area.

Drainage

☒ **Support**

This is not affected by the abandonment.



Q.S.
49-42

G.I.S. ORTHOPHOTO 2003

Cascabel 1 & 2

16-AB-2005

ATTACHMENT #2



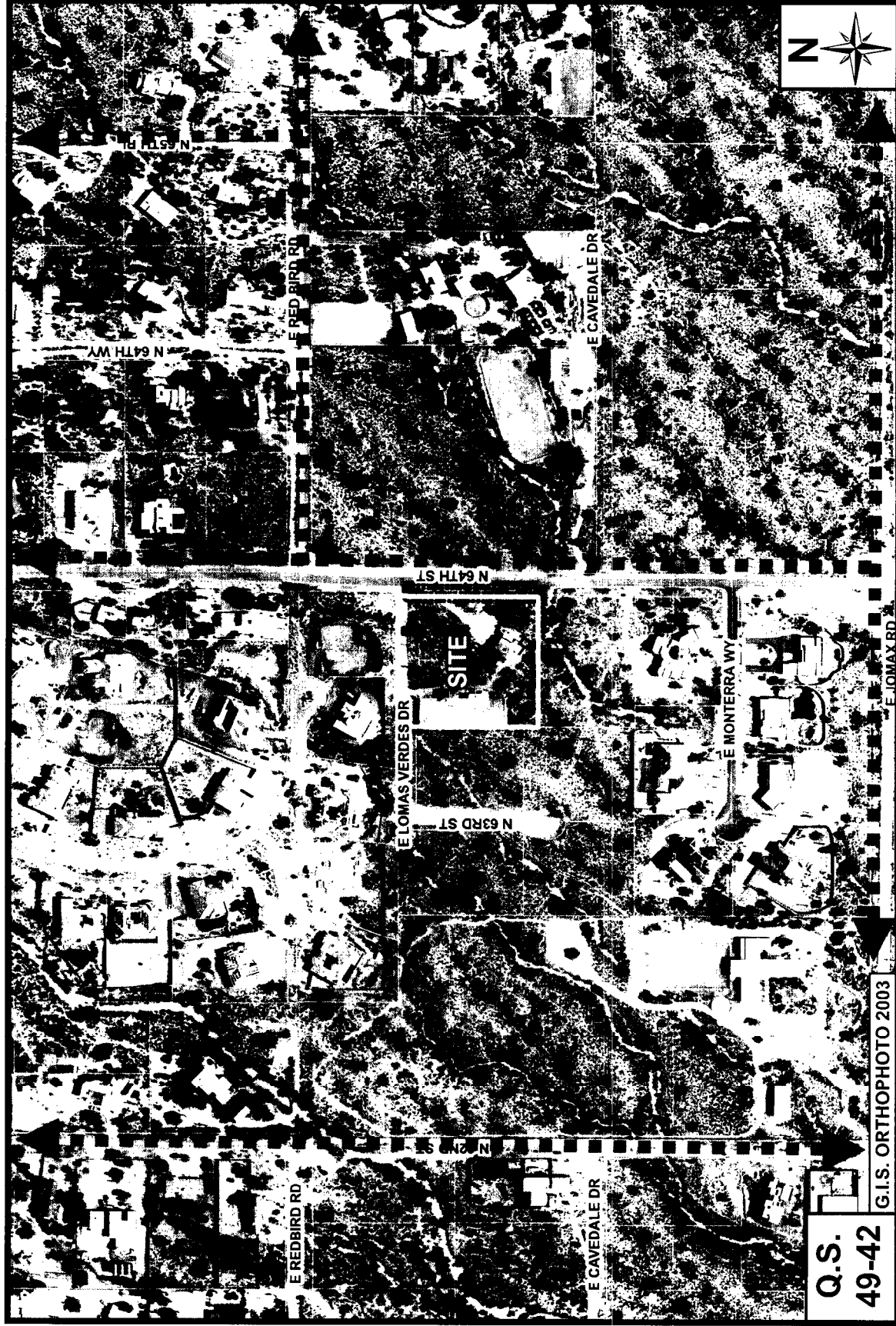
Q.S.
49-42

G.I.S. ORTHOPHOTO 2003

Cascabel 1 & 2

16-AB-2005

ATTACHMENT #3

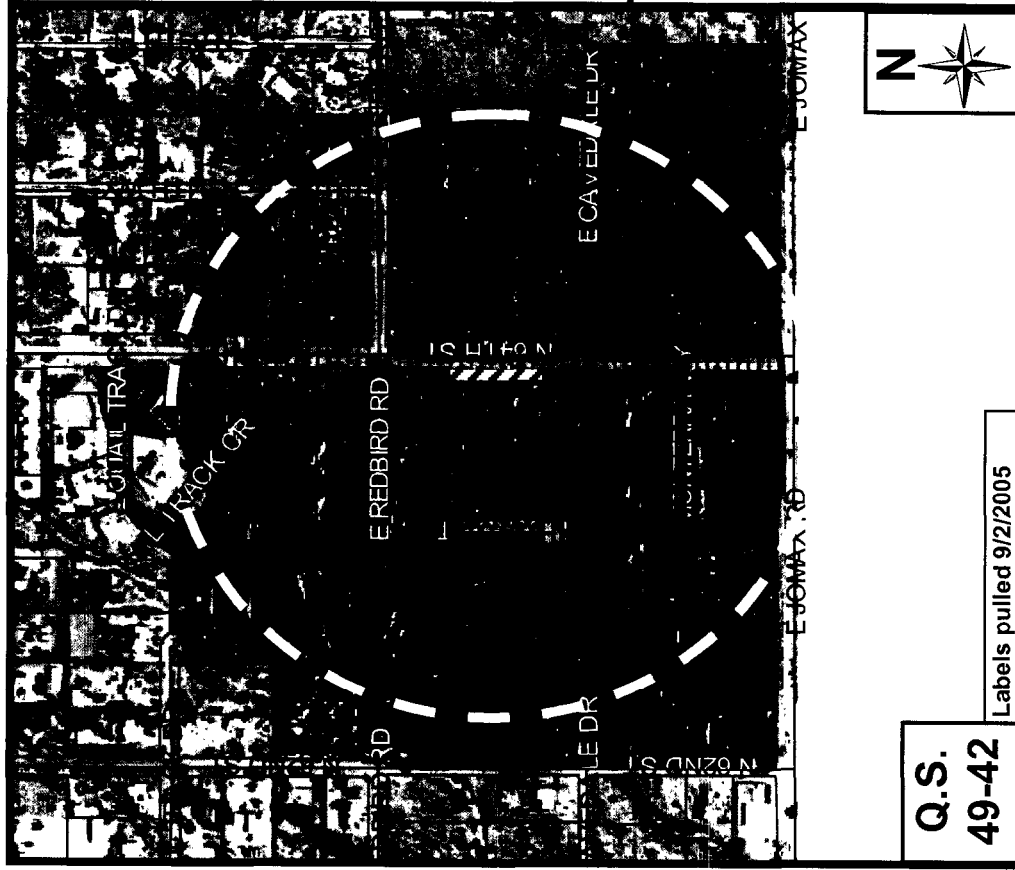


Cascabel 1 & 2 ■■■■■ Master Planned Trails

16-AB-2005

ATTACHMENT #5

City Notifications – Mailing List Selection Map



In response to inquiry by Commissioner Heitel regarding the status of the plat, Mr. Curtis confirmed that the preliminary plat was approved and is in the final plan review process, with anticipation of a final plat in December.

Discussion ensued regarding the ingress/egress issues presented by Mr. Bresnahan. Chairman Gulino noted that the case is simply an abandonment of an existing roadway while the issues presented by Mr. Bresnahan are issues related to Pima Road. He noted that if there is in-fact a dilemma with getting ingress and egress on that property, a stipulation would be needed to the 80 lots requiring some widening on Pima Road and opined that the issue should be addressed via the other portions of the case.

Upon request for confirmation by Chairman Gulino and Commissioner Heitel, Phil Kercher confirmed that a two-way left turn lane was installed fairly recently on Pima Road to provide the left-turn movement into the site. Additionally, right-turn deceleration lanes are stipulation requirements as part of the preliminary plat. He further informed the Commission that anticipation of a future signal at that location was part of the intent in realigning the street with the street on the west.

Upon further request for clarification by Commissioner Heitel, Mr. Kercher confirmed that the noted stipulations are specific to the preliminary plat.

Chairman Gulino asked whether any of the Commissioners wished to reconsider their previous vote. Upon hearing none, the prior motion to recommend approval stands.

REGULAR AGENGA

3. 16-AB-2005 (Cascabel 1 & 2)

Upon request by Commissioner Barnett for a brief presentation, Mr. Ward presented the case. Highlights of the presentation included an overview of the abandonment request. Staff recommends approval.

Commissioner Barnett queried the matter with respect to the approval of the lot-split prior to the proposed request for abandonment. Acknowledging that the lot-split cannot move forward without the abandonment, Commissioner Barnett queried the process. Mr. Ward explained that the land division occurred April 15, 2005 and is conditional at this point. The project stipulations required dedication of a road right-of-way along the north side of the property; access to be provided to the property west of the site, and a 10-foot wide abandonment along 64th Street on the east side of the site. The stipulations must be met in order for the project to proceed.

Upon inquiry by Chairman Gulino, Mr. Ward confirmed that the lot-split is conditionally approved, subject to the abandonment. The lots have not yet been officially created. No new titles have been issued.

In response to a request for clarification of the process by Commissioner Heitel, Mr. Ward reported that the lot split is an administrative holding and has not yet been recorded on the property.

Upon further request by Commissioner Heitel, Mr. Ward presented an overview of the lot sizes contained within the surrounding properties.

Commissioner Barnett inquired as to the status of the horse facility noted along the lot line. Whereupon, David White, Applicant, addressed the Commission, reporting that the horse corral was preexistent to the purchase of the property by Barbara Kerr. He presented a further overview regarding the evolution of subdivisions in the area surrounding Ms. Kerr's residence since her purchase of the property in 2000.

Upon hearing no other questions or comments,

COMMISSIONER SCHWARTZ MOVED TO APPROVE CASE NUMBER 16-AB-2005 (CASABEL 1 & 2). SECONDED BY COMMISSIONER BARNETT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

4. 9-AB-2005 (Miller Property)

Mac Cummins presented the case. Highlights of the presentation included: an overview of the Applicant's request to abandon 3 feet of GLO easement on the eastern side of the subject property, aerial photos, and notes regarding the key issues of access, impact and nonconformance. Staff recommends approval.

In response to a request by Commissioner Heitel, Mr. Kercher addressed the Commission. Commissioner Heitel further requested clarification of the change in staff opinion regarding an agreed upon circulation plan for this rural character area and queried why the process was approved at staff level without further outreach. Mr. Kercher confirmed that Mr. Heitel's statements are correct and explained that this was a plan that was agreed to by the property owners in the area several years ago. He further explained that when the City developed the local area master plans, the previously adopted plans were incorporated into the LAMPs plans. This is essentially the plan followed by the City.

Mr. Kercher further explained that at the time this plan was developed in the LAMPS plan, Miller Road was classified as a minor collector street for this area. And with the adoption of the streets master plan by Council, the classification was downsized to a local collector street. It is not identified as a minor collector on the streets master plans, so it is considered a local collector. Staff anticipates that the existing pavement and two lanes will remain. And in terms of the access, this plan attempted to provide access to those parcels along the east side of Miller via cul-de-sacs, but with the down classification, and the review of the circumstances in this case, staff felt appropriate in supporting the Applicant's request to develop without cul-de-sacs and have access from Miller. Currently the lot does have access to Miller. Staff has not acquired the other portions of the cul-de-sac from the other lots to complete that cul-de-sac.

Mr. Kercher further noted that additional consideration in evaluating the current plan was given to the lot to the north, Lot 62, which contains a wash on the southern portion. The owner of that property would be forced to access over the wash, which staff felt would be better served via access from Miller from the north.

APPROVED

RESOLUTION NO. 6781

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE,
MARICOPA COUNTY, ARIZONA, ABANDONING A PORTION OF THE
PUBLIC RIGHT-OF-WAY FOR 64th STREET SOUTH OF EAST LOMAS
VERDES DRIVE.

(16-AB-2005)

A. A.R.S. Sec. 28-7201, et seq. provide that a city may dispose of a roadway or portion thereof when said property or portion thereof is no longer necessary for public use.

B. After notice to the public, hearings have been held before the Planning Commission and Council of the City of Scottsdale ("City") on the proposed abandonment of street right-of-way as described on Exhibit "A" attached hereto (collectively the "Abandonment Right-of-way").

C. The City Council finds that the Abandonment Right-of-way is no longer necessary for public use.

D. The City Council finds that consideration and other public benefit commensurate with the value of the property, giving due consideration to its degree of fragmentation and marketability, will be provided to the City by the owner of the abutting property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Arizona, as follows:

1. Abandonment. Subject to the reservations below, the Abandonment Right-of-way is abandoned as public street right-of-way.

2. Reservations. All of the following interests are reserved to City and excluded from this abandonment:

2.1 A public utility easement upon the entire Abandonment Right-of-way.

2.2 Any N.V.A.E. or other non-vehicular access easement or covenant in favor of the City that may already affect the Abandonment Right-of-way prior to this resolution.

2.3 Any N.A.O.S. or other open space easement or covenant in favor of the City that may already affect the Abandonment Right-of-way prior to this resolution.

2.4 An easement for all existing utilities.

2.5 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 20__.

Mary Manross, Mayor

ATTEST:

By: _____
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

By: 
Deborah Roberson, Acting City Attorney

LEGAL DESCRIPTION

10' RIGHT-OF-WAY ABANDONMENT

That part of the Southeast quarter of the Southeast quarter of Section 33, Township 5 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Southeast corner of said Section 33;

thence North 00° 13' 28" East, a distance of 1101.37 feet along the easterly line of said Section 33;

thence North 89° 59' 06" West, a distance of 55.00 feet;

thence South 00° 13' 28" West, parallel with and 55.00 feet West of the East line of said Section 33 a distance of 30.00 feet to the POINT OF BEGINNING;

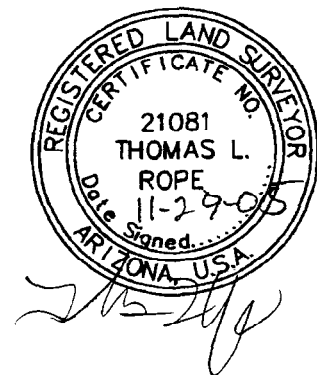
thence South 89° 59' 06" East, a distance of 10.00 feet;

thence South 00° 13' 28" West, parallel with and 45.00 feet West of the East line of said Section 33 a distance of 280.40 feet

thence North 89° 59' 06" West, a distance of 10.00 feet;

thence North 00° 13' 28" East, parallel with and 55.00 feet West of the East line of said Section 33 a distance of 280.40 feet to the POINT OF BEGINNING;

Containing 0.064 acres.



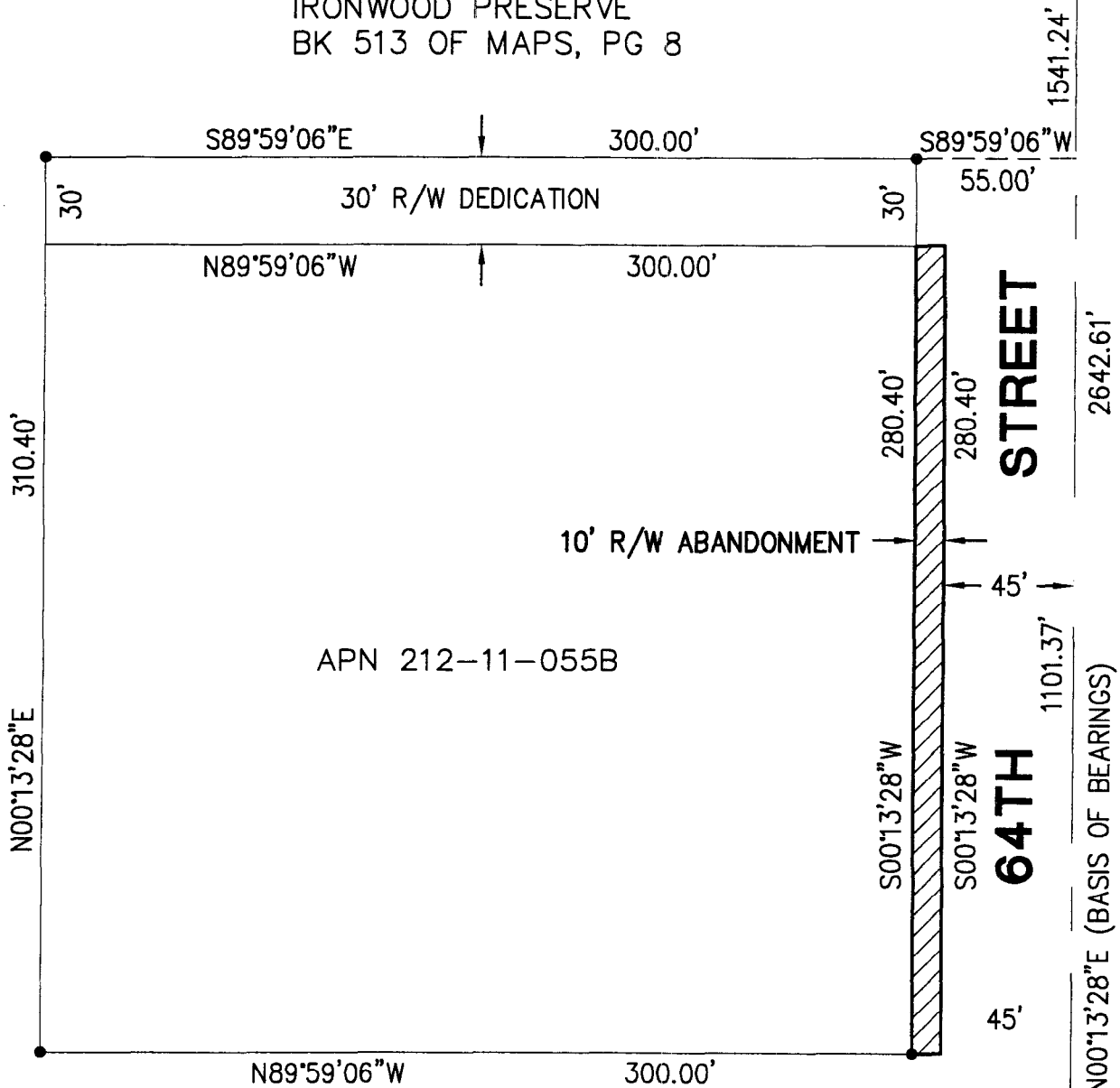
EXHIBIT

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 33,
T5N, R4E, G.&S.R.B.M., MARICOPA COUNTY, ARIZONA

IRONWOOD PRESERVE
BK 513 OF MAPS, PG 8

E1/4 COR SEC 33
FND BRASS CAP
IN POTHOLE 0.6' DOWN

LOT 4 LABRIOLA ACRES
BOOK 714 MAPS, PG 33



1"=60'

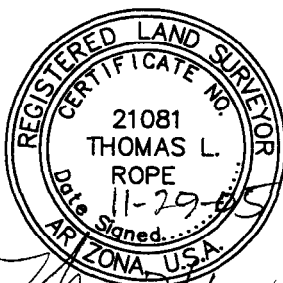


EXHIBIT "A" PAGE 2 OF 2

SE COR SEC 33
BRASS CAP FLUSH

LAND SURVEY SERVICES PLC
P.O. BOX 9597
PHOENIX, AZ 85068
(602) 953-2740
JOB NO. 05044